

UNITED STATES DISTRICT COURT

FILED

for

MAR 03 2011

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

Petition for Warrant or Summons for Offender Under Supervision

OG

Name of Offender: Stephanie Martinez Case Number: SA-07-CR-734-RF(02)Name of Sentencing Judicial Officer: Honorable Royal Ferguson, United States District JudgeDate of Original Sentence: September 26, 2008Original Offense: Aiding and abetting, possession with intent to distribute 100 grams or more of heroin, in violation of 21 U.S.C.841(a)(1) &(b)(1)(B) & 18 U.S.C. 2Original Sentence: Eighteen (18) months imprisonment; Four (4) years supervised release; \$100 special assessment; Evaluation for substance abuse dependency as directed by the probation officer.Type of Supervision: Supervised Release Date Supervision Commenced: May 12, 2010Assistant U.S. Attorney: Michael Hardy Defense Attorney: Kurt May

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

The defendant shall not commit another federal, state, or local crime.

On January 18, 2011 this officer was notified by FBI rap sheet that the offender was arrested on November 2, 2010 for prostitution and released on an \$800 bond. The offender was scheduled to appear in Bexar County Court at Law # 6 on January 5, 2011. However the offender failed to appear in court and a warrant for her arrest was issued on January 5, 2011. Arraignment was set for February 14, 2011, and a sentencing date is pending.

On January 6, 2011, the offender was arrested for two charges of Poss W/I Del CS PG 1 4g-200 g and is currently awaiting indictment. A pre-hearing was set for February 8, 2011 in the 144th District Court, in Bexar County. A sentencing date has not been set.

Offense reports are currently pending.

PROB 12C
(7/93)

- 2 **The defendant shall not unlawfully possess a controlled substance.**

Ms. Martinez illegal posses a controlled substance and was arrested by for two felony drug charges on January 6, 2011.

- 3 **The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.**

The offender has failed to report for the month of December 2010 and January 2011. A home visit was made on January 7, 2011 at the offender's apartment. This officer was made aware that the offender had moved out of her apartment since October 2010 and there was a new tenant.

- 4 **The defendant shall notify the Probation Officer at least ten days prior to any change in residence or employment.**

On or about September 1, 2010, the offender failed to notify this officer that she had moved from her apartment at 2822 Hillcrest #117, San Antonio, Texas 78201.

- 5 **The defendant shall notify the Probation Officer within seventy-two hours of being arrested or question by a law enforcement officer.**

The offender has never notified this officer of her arrest on November 2, 2010 nor her arrest on January 6, 2011.

- 6 **The defendant shall participate in a program approved by the Probation Officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol.**

The defendant failed to show for her substance abuse group sessions on December 8, 15, 22, 29, 2010; January 5, 12, 19, 26, 2011. She failed to submit urine specimens on December 20, 2010; January 3, 2011, and January 27, 2011.

U.S. Probation Officer Recommendation:

Ms. Martinez is a twenty-seven year old Hispanic female who commenced supervised release on May 12, 2010. Ms. Martinez has a drug history dating back to the age of twenty-one. Her drug of choice has always been heroin. She has indicated her use began with the father of her children, who was an active user himself. She became curious and started using with him, which lead to her using daily. Ms. Martinez self reported graduating to injecting up to \$200 a day.

Ms. Martinez was attending a women's supportive treatment group with Crosspoint. It was brought to this officers attention that the therapist suspected Martinez was using illicit drugs as she had come to group looking "high." This officer attended a case conference with the offender and the therapist on December 1, 2010. We discussed the suspicion of drug use and unhealthy relationships. The offender was very adamant that she had not been using illicit drugs. Due to the suspicion of drug use the offender had a sweat patch applied to her with instructions to return to the U.S. Probation Office in seven days to have the patch removed. Ms. Martinez never returned to the office to have the patch removed, nor did she report for the months of December 2010, January and February 2011.

This officer attempted a home visit on January 7, 2011, to the offender's listed residence. After several knocks at the door the resident of the apartment came to the door and advised that Ms. Martinez was not a resident of the apartment and she had occupied the apartment as a new tenant in September 2010.

On January 18, 2011, this officer received a FBI Flash. It revealed that Martinez had been arrested on two felony drug charges, as well as a misdemeanor charge of prostitution.

PROB 12C
(7/93)

It is evident that Ms. Martinez lacks the desire to comply with her supervised release obligations. She proves to be a danger to herself as well as to the community.

Therefore, it is recommended that an active warrant be issued for the arrest of Stephanie Martinez to show cause as to why her term of supervised release should not be revoked.

☒ The term of supervision should be

☒ revoked. (Maximum penalty: 3 years imprisonment; lifetime years supervised release; and payment of any unsatisfied monetary sanction previously imposed)

☐ extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

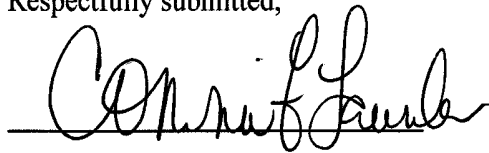
Assistant U.S. Attorney, Michael Hardy, concurs

Approved:



Cynthia Mendiola
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5346

Respectfully submitted,



Corrina F. Laureles
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5342
Date: February 22, 2011

cc: Michael Hardy
Assistant U.S. Attorney

Victor A. Casillas
Assistant Deputy Chief U.S. Probation Officer

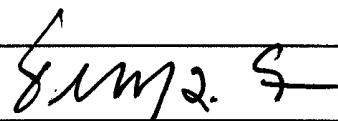
THE COURT ORDERS:

☐ No action.

☒ The issuance of a warrant.

☐ The issuance of a summons.

☐ Other _____



U.S. District Judge

3.3.11

Date